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UNCLAS SECTION 01 OF 12 STATE 002094

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E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#)
SMIG, KMCA
SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN
PERSONS (TIP) REPORT

REF: (A) 2007 STATE 150188 (B) 2009 STATE 121328

STATE 00002094 001.2 OF 012

SUMMARY AND ACTION REQUEST

¶11. (U) This is an action message for all posts. See paras 14-35. This cable describes the annual reporting requirement for Trafficking in Persons (TIP) and provides instructions for posts' contributions. The Trafficking Victims Protection Act (TVPA) of 2000, as amended, requires the Department to submit this report to Congress by June 1st. Post must submit responses to questions in paragraphs 25-35 by February 15, 2010. Please address responses to G/TIP, G-Laura Pena, and relevant regional bureau points of contact in EUR/PGI, WHA/PPC, AF/RSA, SCA/RA, EAP/RSP, or NEA/RA as listed in para 23. Please answer each question individually, either including the original question or identifying responses with the corresponding number (letter) of the question in this cable. Please include KTIP, ELAB, and KMCA in the tags line. END SUMMARY

¶12. (U) The TVPA (full text available at www.state.gov/g/tip) mandates that the Department report on the degree to which governments of those countries of origin, transit, or destination for victims of severe forms of trafficking comply with the law's minimum standards for the elimination of trafficking. For implementation guidelines interpreting the TVPA's minimum standards, please see Ref A. Please note that the Report only reviews government actions to combat trafficking and does not consider activities by non-governmental organizations when determining tier rankings. Similarly, although the 2010 Report will include references to and/or descriptions of "Partnerships," these partnerships will not be considered in determining the tier rankings, except in cases where a partnership contributes to the government's efforts to implement the TVPA's minimum standards. The issues covered in this report include those covered in the sections on Trafficking in Persons, Forced Labor, and parts of the sections on Child Labor, Children, Women, and Internal Conflicts of the annual country reports on human rights practices.

¶13. (U) Relevant information previously provided for the Human Rights Country Reports or the TIP Interim Assessment (for posts in "Special Watch List" countries) may be included in post's submission. While information submitted for last year's report may be used -- particularly in detailing a country's laws covering TIP -- it is essential that post's response reflect any changes or updates since February 2009.

¶4. (U) This report encompasses all forms of human trafficking, defined by the TVPA to mean the use of force, fraud, or coercion for the purpose of subjecting a person to forced labor and bonded labor, forced marriage, or other slave-like conditions. The term "fraud" includes actions used to induce the victim's behavior. In reporting on human trafficking, posts should also be aware that the TVPA definition of trafficking does not require that a person be moved from one place to another. Trafficking may often occur, however, in tandem with the movement of a person across international borders or internally within a country.

¶5. (U) Labor trafficking often involves work in the agricultural industry, work as domestic servants, or work in low-skilled jobs, such as the fishing, mining, construction, and textile industries, or in restaurants and markets. Labor trafficking can involve persons who have migrated illegally or legally and consensually or voluntarily accepted legitimate offers of labor, but subsequently fall victim to conditions of involuntary servitude. When contracts are not honored or are replaced with new contracts containing less favorable terms after workers arrive in a destination country, workers may become victims of trafficking if they are forced, defrauded, or coerced into continuing to provide their labor under these changed conditions. These coercive conditions can also include the confiscation of passports upon arrival in the country or after the start

STATE 00002094 002.2 OF 012

¶6. (U) Smuggling vs. Trafficking: There is an important distinction between human trafficking and migrant smuggling. Unlike migrant smuggling where the individual is free to go his or her own way upon reaching the destination, the purpose of human trafficking is exploitation, achieved through force, fraud, or coercion. Posts should try to determine if host-country government statistics and information clearly distinguish between smuggling and human trafficking activity, and do not conflate these two crimes. However, people can become victims of human trafficking even after they consent to being smuggled across an international border. It is not determinative that a trafficked person initially consented to or was initially complicit with a smuggler in the smuggling activity. Traffickers often deceive their victims about the true nature of promised employment or circumstances at the destination.

¶7. (U) Children in Prostitution: Pursuant to the TVPA, the use of force, fraud, or coercion is irrelevant to children (those under 18 years of age) trafficked for sexual exploitation. A child who is being prostituted by a third party is presumed to be a trafficking victim in accordance with the TVPA. Thus, in contrast to cases of adult trafficking, proof of the trafficker's use of force, fraud, or coercion to obtain the child's consent to sex trafficking is not/not necessary. (Note: Proof of force, fraud, or coercion is still required to demonstrate child labor trafficking.).

¶8. (U) From 2001 through 2008, each annual TIP Report was required to include all countries of "origin, transit, or destination for A SIGNIFICANT NUMBER OF VICTIMS of severe forms of trafficking." Since the TIP Report's creation, the Department has defined "significant number" in this context to be "on the order of 100 or more victims." This includes victims from outside the host country who entered or transited the country, as well as victims trafficked from within their own countries. The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRRA) of 2008 deletes the phrase "a significant number of" from the language quoted above. This change applied to the 2009

TIP Report, and will continue to apply in the 2010 TIP Report and subsequent reports. Essentially, any country for which credible reporting indicates two or more trafficking victims are trafficked into, from, through, or within, should be ranked in the TIP Report.

¶9. (U) COUNTRIES RANKED TIER 2 WATCH LIST FOR TWO CONSECUTIVE YEARS TO BE DOWNGRADED TO TIER 3: The TVPRA of 2008 contains a provision requiring that a country included on Tier 2 Watch List for any two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3 if it has not improved to Tier 2 or Tier 1 by the third year. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being downgraded to Tier 3 in the 2011 Report). The law allows for a Presidential waiver of this provision upon a determination that the country has developed a written plan to begin making significant efforts to bring itself into compliance with the minimum standards, that the plan, if implemented, would constitute making such significant efforts, and that the country is devoting sufficient resources to implement said plan. Per the statutory provision, such a Presidential waiver can only be issued for two years.

¶10. (U) Law Enforcement Data Collection: In accordance with the TVPA, a country will be presumed not to have vigorously investigated, prosecuted, convicted, and sentenced traffickers (TVPA Minimum Standard 4, criterion (b)(1)) if it does not provide data, consistent with the capacity of the country to obtain the data, on such law enforcement activity. Similarly, a country with an identified TIP-related corruption problem will be presumed not to have vigorously investigated, prosecuted, convicted, and sentenced officials who participate in or facilitate trafficking if it does not provide data, consistent with the capacity of the country to obtain the data, on such law enforcement activity (TVPA Minimum Standard 4, criteria (b)(7)) (see para 13 for more guidance on anti-corruption efforts). Provision of such data will be crucial in evaluating whether a country is in compliance

STATE 00002094 003.2 OF 012

¶11. (U) Please avoid reporting "trafficking-related" law enforcement efforts: The Department does not accept "trafficking-related" (e.g. prostitution, child defilement/debauchery, and human smuggling offenses) law enforcement statistics for inclusion in the TIP Report. Instead, the Department requests data on "investigations, prosecutions, convictions, and sentences of trafficking crimes." The Department will accept only law enforcement data that fall into one of two categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are EXPLICITLY DEFINED AS TRAFFICKING; or (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but for which the facts - as presented by the host government -- constitute a trafficking offense. Data on TIP cases needs to be disaggregated from data on other offenses, such as migrant smuggling.

¶12. (U) Data on Law Enforcement Efforts Against TIP-Related Complicity/Corruption: One of the ten criteria under the TVPA's Fourth Minimum Standard (section 108(a)(4) of the TVPA) is the requirement that governments provide data on investigations, prosecutions, convictions, and sentences of "public officials who participate in or facilitate severe forms of trafficking." The Department applies this criterion to countries in which there is reliable information indicating that a TIP-related corruption problem exists. The Department seeks data for investigations,

prosecutions, convictions, and sentences of corrupt public officials that involve crimes RELATED TO TIP (including but not limited to the fraudulent issuance of visas or passports to smugglers involved in TIP; tip-offs given to trafficking rings of impending law enforcement action; bribes accepted by government officials to facilitate the movement of trafficked victims; and direct involvement in trafficking).

REVISIONS TO THE "MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS"

¶13. (U) The TVPA contains four "minimum standards" (Section 108(a)) for assessing foreign government anti-trafficking efforts and listed criteria that should be considered in evaluating a government's compliance with the fourth minimum standard of "serious and sustained efforts to eliminate severe forms of trafficking in persons." The TVPRA of 2008 amends criteria (1), (2), and (3) of the fourth minimum standard and adds a new criterion (11), as follows (ADDITIONS APPEAR IN CAPITAL LETTERS; ONE DELETION - TO ITEM (3) -- IS NOTED PARENTHETICALLY):

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, INCLUDING, AS APPROPRIATE, REQUIRING INCARCERATION OF INDIVIDUALS CONVICTED OF SUCH ACTS. FOR PURPOSES OF THE PRECEDING SENTENCE, SUSPENDED OR SIGNIFICANTLY-REDUCED SENTENCES FOR CONVICTIONS OF PRINCIPAL ACTORS IN CASES OF SEVERE FORMS OF TRAFFICKING IN PERSONS SHALL BE CONSIDERED, ON A CASE-BY-CASE BASIS, WHETHER TO BE CONSIDERED AS AN INDICATOR OF SERIOUS AND SUSTAINED EFFORTS TO ELIMINATE SEVERE FORMS OF TRAFFICKING IN PERSONS. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, INCLUDING BY PROVIDING TRAINING TO LAW ENFORCEMENT AND IMMIGRATION OFFICIALS REGARDING THE IDENTIFICATION AND

STATE 00002094 004.2 OF 012

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, (DELETED AND RELOCATED TO ITS OWN SECTION TO UNDERSCORE IMPORTANCE see para below: "measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country"), MEASURES TO ESTABLISH THE IDENTITY OF LOCAL POPULATIONS, INCLUDING BIRTH REGISTRATION, CITIZENSHIP, AND NATIONALITY, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to

prevent the use of forced labor or child labor in violation of international standards.

(11) WHETHER THE GOVERNMENT OF THE COUNTRY HAS MADE SERIOUS AND SUSTAINED EFFORTS TO REDUCE THE DEMAND FOR (A) COMMERCIAL SEX ACTS; AND (B) PARTICIPATION IN INTERNATIONAL SEX TOURISM BY NATIONALS OF THE COUNTRY. (NOTE: THESE ITEMS HAD BEEN ADDED TO MINIMUM STANDARD 4, SUBSECTION 3, PER THE TVPRA OF 2005. END NOTE)

GUIDELINES FOR POST SUBMISSIONS

¶14. (U) ACTION FOR ALL ADDRESSEES: Department requests all Posts provide their submissions slugged for G/TIP, G- Laura Pena, and relevant regional bureau offices, based on this guidance and checklist by February 15 so there is adequate time to review and assess host government's anti- trafficking efforts before the Congressionally-mandated deadline of June 1, 2010. Please use the KTIP, ELAB, and MCA tags in the tags line. The questions in the list below (paragraphs 25-35) are not exhaustive and posts are encouraged to provide further detail or information. Please address each major subheading and answer each question that is applicable. If not applicable, please so indicate.

¶15. (U) The TIP report will cover efforts by governments during the time period from mid-February 2009 to mid-February 2010. However, if there is a major trafficking-related event or events in late February or later that warrants mention, post should send a supplemental response no later than April 15th and the new information will be included in the report.

¶16. (U) Post reporting officers should seek information from all available sources, including, but not limited to: government (including the Foreign, Interior, Labor, Justice, Tourism, and any other ministries that address trafficking, consular services, prosecutors, police, border guards, and immigration officers); NGOs (including charitable and religious organizations that work with trafficked victims), trade unions, hospitals and/or health centers; international organizations; media reports; research studies; and other Mission elements (other sections, consulates, other USG agencies represented at post, etc.). (Note: In some cases NGOs may not want to be publicly identified for safety reasons. In such cases, please provide the identification to the Department with a statement that it not be publicly disclosed. As a rule, information sources are not/not identified in the final report to safeguard sources. End Note)

¶17. (U) Posts are asked to provide information on all forms of exploitation that are induced by force, fraud, or coercion. This includes, but is not limited to: sex trafficking, including forced prostitution of adults and minors placed by third parties in prostitution; and labor trafficking, including forced and bonded labor, the domestic servitude of adults and children, forced marriage, and unlawfully conscripted child soldiers (please see paras 31 through 33 for the definition of child soldiers and additional reporting requirements relating to this topic).

¶18. (U) As with previous years' reports, the Department will use information from NGOs, the press, and international organizations in addition to post reporting in compiling the report. In addition, G/TIP is inviting NGOs and intergovernmental organizations to

STATE 00002094 005.2 OF 012

SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPO
send information on trafficking directly to the office

via mail or via a G/TIP e-mail address: tipreport@state.gov. The office will use this information to supplement the information provided by posts. The office will ensure that such information and its sources are shared with the relevant post in a timely manner, in part so that posts are able to comment on the reliability of the source and/or corroborate the information.

¶19. (U) Active Voice, Past Tense, Precise Dates, and Sums of Money: In reporting anti-TIP actions undertaken by governments between mid-February 2009 and mid-February 2010, please use the active voice and identify specifically the entity undertaking the action. This is particularly important for activities that are potentially carried out by more than one party; e.g. victim protection activities. Please use the past tense for all activities conducted by the government between mid-February 2009 and mid-February 2010, and include precise dates (month and year) of the activities. If citing commitments of future action, use the future tense and include dates of projected completion, if available. As a general rule, the TIP Report will not include projected activities or commitments of future action as evidence of meeting the minimum standards. When citing the financial worth or funding amount for an activity, please provide its U.S. dollar equivalent. Government actions taken in partnership with non-governmental actors or international organizations may be credited if government support/participation is tangible and substantial; e.g., the government contribution of funds, dedicated personnel, land, buildings, or equipment.

¶20. (U) Posts' reports should be classified "SBU." Posts may provide relevant information that is classified, for example on corruption, in separate classified cables.

¶21. (U) As soon as each post submits its response, G/TIP will review the information and draft the country narratives. G/TIP may query posts, including relevant regional POCs, for further clarification and additional information as necessary. By the beginning of April 2010, G/TIP plans to share with post draft country tier placements and supporting narratives. G/TIP will then convene departmental meetings, in which the regional and functional bureaus participate, to review these draft country placements and reports. Posts will have an opportunity to formally comment on their host country's placement and TIP report narratives through the regional bureaus' points of contact at these meetings.

¶22. (U) Posts may address questions to G/TIP staff as follows:

For Africa (East and Great Lakes) and Jordan, Lebanon, and Syria, contact Rachel Yousey, (202) 312-9861, YouseyRM@state.gov;

For Africa (West and North Africa), contact Veronica Zeitlin, (202) 312-9673, ZeitlinVK@state.gov;

For Southern Africa, contact Stephanie Kronenburg, (202) 312-0677, KronenburgSA@state.gov;

For Central Africa, contact Mark Taylor, (202) 312-9643, TaylorMB@state.gov;

For the Central Asian Republics, countries covered by EUR/CARC, EUR/UMB, Russia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Czech Republic, Hungary, and Slovenia, contact Megan Hall, (202) 312-9844, HallML@state.gov

For European countries covered by EUR/SCE and France, Belgium, Austria, Luxembourg, U.K., Italy, Portugal, Spain, Turkey, Cyprus, Slovakia, Croatia and Albania, contact Jennifer Donnelly (202) 312-9655,

DonnellyJS@state.gov;

For European countries Switzerland, Germany, Netherlands, Ireland, Greece, Malta, Finland, Sweden, Norway, Denmark and Iceland contact Amy Rofman (202) 312-9675, RofmanAJ@state.gov;

For South Asia and the Middle East (except Jordan, Lebanon, and Syria), contact Sheela Ahluwalia, (202) 312-9670, Ahluwalias@state.gov.

For WHA and the Caribbean (except Jamaica, Dominican

STATE 00002094 006.2 OF 012

SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPO
Republic, Haiti, Cuba, Guyana, Suriname, Trinidad & Tobago, and the Netherlands Antilles), contact Stephanie Kronenburg (contact info above);

For Jamaica, the Dominican Republic, Haiti, Cuba, Guyana, Suriname, and Trinidad and Tobago, contact Amy Rofman (contact info above);

For Australia, New Zealand the Pacific, and Timor-Leste, contact Stephanie Kronenburg (contact info above);

For Northeast and Southeast Asia (except Timor-Leste), contact Christine Chan-Downer, (202) 312-9844, ChanCW@state.gov.

The regional bureau points of contact on TIP issues are:

AF/RSA: Learned Dees, (202) 647-5803, DeesLH@state.gov.

EAP/RSP: Jason Vorderstrasse, (202) 647-2031, VorderstrasseJG@state.gov

EUR/PGI: Jody Buckneberg, (202) 647-7117, BucknebergJL@state.gov

NEA/RA: Rina Chatterji, (202) 647-3691, ChatterjiR@state.gov

SCA/RA: Jessica Mazzone, (202) 647-8080, MazzoneJR@state.gov

WHA/PCC: Scott Miller, (202) 647-5333, MillerSA@state.gov

¶23. (U) Please slug all submissions for G/TIP, G-Laura Pena, INL, DRL, PRM, and the relevant regional bureaus' offices (EUR/PGI, WHA/PPC, AF/RSA, SCA/RA, EAP/RSP, and NEA/RA). Also, please include the following tags: KTIP, KCRM, PHUM, KWMN, SMIG, KFRD, ASEC, PREF, ELAB, and KMCA. Additionally, please info USAID, Department of Justice, Department of Homeland Security, Department of Labor, and Department of Treasury. Lastly, please info the appropriate post for any other country mentioned in your report.

¶24. (U) In compiling the required information, Posts should designate a single point of contact on trafficking. Please provide the name, telephone number, and fax number of this point of contact in your cable. Posts are also asked to quantify the number of hours spent per embassy officer and the ranks of those officers in the preparation of the TIP report cable. OMB requires the State Department to account for personnel time spent on this report.

REPORTING QUESTIONS

¶25. (U) THE COUNTRY'S TIP SITUATION:

-- A. What is (are) the source(s) of available information on human trafficking? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

-- B. Is the country a country of origin, transit, and/or destination for men, women, or children subjected to conditions of commercial sexual exploitation, forced or bonded labor, or other slave-like conditions? Are citizens or residents of the country subjected to such trafficking conditions within the country? If so, does this internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? From where are people recruited or from where do they migrate prior to being subjected to these exploitative conditions? To what other countries are people trafficked and for what purposes? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

-- C. To what kind of conditions are the trafficking victims subjected?

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of human trafficking (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)? If so, please specify the type of exploitation for which these groups are most at risk

STATE 00002094 007.2 OF 012

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to gain direct access to victims? For example, are the traffickers recruiting victims through lucrative job offers? Are victims sold by their families, or approached by friends of friends? Are victims "self-presenting" (approaching the exploiter without the involvement of a recruiter or transporter)? If recruitment or transportation is involved, what methods are used to recruit or transport victims (e.g., are false documents being used)? Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

126. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. Does the government acknowledge that human trafficking is a problem in the country? If not, why not?

-- B. Which government agencies are involved in efforts to combat sex and labor trafficking - including forced labor - and, which agency, if any, has the lead in these efforts?

-- C. What are the limitations on the government's ability to address these problems in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

-- E. What measures has the government taken to

establish the identity of local populations, including birth registration, citizenship, and nationality?

--F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

127. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for the trafficking of persons for commercial sexual exploitation, including for the forced prostitution of adults and the prostitution of children?

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for labor trafficking offenses, including all forms of forced labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly

STATE 00002094 008.2 OF 012

SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPO
fraudulent or deceptive offers with the purpose of subjecting workers to compelled service in the destination country? If your country is a destination for labor migrants (legal/regular or illegal/irregular), are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of labor trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of compelled service, or withhold payment of salaries as means of keeping the worker in a state of compelled service?

-- D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

-- E. Law Enforcement Statistics: Did the government take legal action against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted trafficking offenders who received suspended sentences and the number who received only a fine as

punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). What were the actual punishments imposed on convicted trafficking offenders? Are they serving the time sentenced? If not, why not?

-- F. Does the government provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking? Or training on investigating and prosecuting human trafficking crimes? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

-- J. If government officials are involved in human trafficking, what steps has the government taken to end such complicity? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related criminal activities during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

-- K. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

-- L. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or

STATE 00002094 009.2 OF 012

SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPO
deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

128. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

-- G. What is the total number of trafficking victims identified during the reporting period? (If available, please specify the type of exploitation of these victims - e.g. "The government identified X number of trafficking victims during the reporting period, Y of which were victims of trafficking for sexual exploitation and Z of which were victims of nonconsensual labor exploitation.) Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how

long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing

STATE 00002094 010.2 OF 012

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

129. (U) PREVENTION:

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

-- E: Required of all Posts: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (please see ref B, para. 9(3) for examples)

-- F. Required of all Posts: What measures has the

government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

-- G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kenya, Korea (ROK), Malawi, Malaysia, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda,

STATE 00002094 011.2 OF 012

SUBJECT: PREPARING THE TENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPO

Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."

130. (U) PARTNERSHIPS

Secretary Clinton has identified a fourth "P", Partnerships, recognizing that governments' partnerships with other government and elements of civil society are key to effective anti-TIP strategies. Although the 2010 Report will include references and/or descriptions of these partnerships, they will not be considered in the determining the tier rankings, except in cases where a partnership contributes to the government's efforts to implement the TVPA's minimum standards.

-- A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention and devote resources to addressing human trafficking? If so, please provide details.

-- B. What sort of international assistance does the government provide to other countries to address TIP?

NEW REQUIREMENTS FOR THE CHILD SOLDIERS PREVENTION ACT

131. (U) Title IV of the TVPRA of 2008, the Child Soldiers Prevention Act of 2008 (CSPA), was signed into law on December 23, 2008 and, pursuant to its terms, became effective on June 21, 2009 (see reftel B). The CSPA defines "child soldier" for the first time in U.S. law (see para 32) and contains the following provisions on sanctioned forms of military assistance.

132. (U) Definition of "Child Soldier" under the Child Soldiers Prevention Act: Consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child, the term "child soldier" means (i) any person under 18 year of age who takes a direct part in hostilities as a member of governmental armed forces; (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces; (iii) any person under 15 years of age who has been

voluntarily recruited into governmental armed forces; or
(iv) any person under 18 years of age who has been
recruited or used in hostilities by armed forces
distinct from the armed forces of a state; this includes
any person described in clauses (ii), (iii), or (iv) who
is serving in any capacity, including in a support role
such as a cook, porter, messenger, medic, guard, or sex
slave.

¶33. Required for posts in countries that have been the subject of allegations regarding unlawful child soldiering (by government forces, government-supported militias armed groups, or independent militias armed groups) in the TIP Report, the Human Rights Report, or both : Report if the following occurred: conscription or forced recruitment of persons under the age of 18 into governmental armed forces; voluntary recruitment of any person under 15 years of age into governmental armed forces; the extent to which any person under the age of 18 took a direct part in hostilities as a member of governmental armed forces; recruitment (forced or voluntary) of persons under the age of 18 by armed groups distinct from those of the governmental armed forces, including paramilitary forces, illegal paramilitary groups, guerrillas, or other armed groups. Describe trends toward improvement of the above-mentioned practices, including steps and programs the government undertook or the continued or increased tolerance of such practices, including the role of the government in engaging in or tolerating such practices. Report abuse of children recruited by armed forces or the armed groups noted above (e.g., sexual abuse or use for forced labor). Describe the manner and age of conscription. In discussing activities of armed groups distinct from those of governmental armed forces, explain the position of the government towards the armed group (opposition, tolerance, support, etc.) in detail.

STATE 00002094 012.2 OF 012

NOMINATION OF HEROES AND BEST PRACTICES

¶34. (U) HEROES: The introductions to the past five TIP Reports have included sections honoring Anti-Trafficking "Heroes". These individuals or representatives of organizations or governments demonstrate an exceptional commitment to fighting TIP above and beyond the scope of their assigned work. The Department encourages post to nominate one or more such individuals for inclusion in a similar section of the 2010 Report. Please submit, under a subheading of "TIP Hero(es)," a brief description of the individual or organization's work, and note that the appropriate individual(s) has been vetted through databases available to post (e.g. CLASS and any law enforcement systems) to ensure they have no visa ineligibilities or other derogatory information.

¶35. (U) COMMENDABLE INITIATIVES: For the past six years the Report has carried a section on "International Commendable Initiatives" in addressing TIP. This section highlights particular initiatives used by governments or NGOs in addressing the various challenges of TIP and serves as a useful guide to foreign governments and posts as they design anti-TIP projects and strategies. The Department encourages post to nominate local anti-TIP initiatives from their host countries for showcasing in the 2010 Report. Please submit, under a "Commendable Initiative" subheading, a brief summary of the activity or practice, along with the positive effect it has had in addressing TIP.

¶36. (U) Department greatly appreciates posts' time and assistance in collecting and reporting data for the 2010 TIP Report, particularly in light of the late transmission of this cable, as well as your ongoing efforts to advance USG anti-TIP objectives.

¶37. (U) Minimize considered.

CLINTON